

**TWELFTH DAY**

(Thursday, October 31, 1957)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lock
Ashley	Martin
Bradshaw	Moffett
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent—Excused

Bracewell	Rogers
Moore	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leaves of Absence**

Senator Bracewell was granted leave of absence for today on account of illness on motion of Senator Secrest.

Senator Rogers was granted leave of absence for today on account of illness on motion of Senator Martin.

Senator Moore was granted leave of absence for today on account of important business on motion of Senator Secrest.

**Senate Resolution 84**

Senator Owen offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Kay Kelly and Bunny Payne; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be

recognized by the Senate of Texas and that they be extended the official welcome of the Senate, and that they be extended the privileges of the floor.

The resolution was read and was adopted.

Senator Owen by unanimous consent presented Misses Kelly and Payne to the Members of the Senate.

**Senate Resolution 85**

Senator Wood offered the following resolution:

Whereas, This nation was shocked and appalled when federal troops were sent into Little Rock, Arkansas, to force the integration of the public schools at bayonet point; and

Whereas, The return of Reconstruction Era tactics has brought a sense of fear and foreboding to the entire South and disrupted relationships between the white and colored races, who had learned to live together in harmony and good will; and

Whereas, Amid these assaults upon the American system of states' rights and upon our traditional way of life, a clear and constant voice speaking out against tyranny has been that of the Honorable Orval E. Faubus, Governor of the State of Arkansas; and

Whereas, Governor Faubus has acted promptly and courageously, to the limits of his constitutional powers and authority, to preserve the inherent right of American citizens to control their own local institutions and to carry out the express provisions of the Tenth Amendment to the Constitution of the United States; and

Whereas, His determined resistance to federal force has served to focus the attention of the entire world upon the real issues behind the Occupation of Little Rock, and these are the principles of government and freedom upon which our nation was founded; and

Whereas, In spite of bayonets at the throats of American citizens, Governor Faubus has continued to declare his faith in constitutional government and to maintain that it was and is his duty and prerogative to maintain the peace at home, in which viewpoint we emphatically concur; now, therefore, be it

Resolved, That the said Honorable Orval E. Faubus is hereby invited to address the Senate at any time convenient to him prior to the adjourn-

ment of this Special Session, and, be it further

Resolved, That the Members of the House of Representatives be invited to hear the address.

The resolution was read.

Senator Wood asked unanimous consent to consider the resolution immediately.

There was objection.

Senator Wood then moved to consider the resolution immediately.

The motion was lost by the following vote:

**Yeas—12**

Aikin	Moffett
Bradshaw	Parkhouse
Colson	Ratliff
Lane	Roberts
Lock	Smith
Martin	Wood

**Nays—14**

Ashley	Krueger
Fly	Owen
Fuller	Phillips
Hardeman	Reagan
Herring	Secrest
Hudson	Weinert
Kazen	Willis

**Absent**

Gonzalez	Hazlewood
----------	-----------

**Absent—Excused**

Bracewell	Rogers
Moore	

The resolution was then referred to the Committee on State Affairs.

**Senate Resolution 86**

Senator Kazen offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate V. C. Woods of Laredo; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; Now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

**Senate Resolution 88**

Senator Bradshaw offered the following resolution for Senator Moore:

Whereas, We are honored today to have in the gallery of the Senate, the Senior Class of Caldwell High School, Caldwell, Texas, accompanied by their sponsor, F. D. Rodgers; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

**BRADSHAW  
MOORE**

The resolution was read and was adopted.

Senator Bradshaw by unanimous consent presented the students and sponsor to the Members of the Senate.

**Committee Substitute Senate Bill 1  
on Second Reading**

Senator Parkhouse asked unanimous consent to suspend the regular order of business and take up C. S. S. B. No. 1 for consideration at this time.

There was objection.

Senator Parkhouse then moved to suspend the regular order of business and take up C. S. S. B. No. 1 for consideration at this time.

The motion prevailed by the following vote:

**Yeas—25**

Aikin	Martin
Ashley	Moffett
Bradshaw	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Reagan
Hardeman	Roberts
Hazlewood	Secrest
Herring	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood
Lock	

**Nays—2**

Gonzalez	Hudson
----------	--------

## Present—Not Voting

Owen

## Absent—Excused

Bracewell  
Moore

Rogers

The President laid before the Senate on its second reading and passage to engrossment:

C. S. S. B. No. 1, A bill to be entitled "An Act providing for the Texas Water Planning Act of 1957; creating the Texas Water Resources Planning Division within the Board of Water Engineers; prescribing the functions of the Planning Division; reallocating certain funds that have been heretofore appropriated and authorizing and prescribing conditions, limitations, rules and procedures for expending the appropriated funds; empowering the Board of Water Engineers, under certain conditions, to negotiate for the acquiring of conservation storage in reservoirs created by the United States Government and to report such negotiations to the Legislature; containing a severability clause; and declaring an emergency."

The bill was read second time.

Senator Kazen offered the following amendment to the bill:

Amend Section 4 of Committee Substitute for Senate Bill No. 1 by striking out all of Section 4 and inserting in lieu thereof the following:

**Section 4. SALARIES AND OTHER EXPENSES; METHOD OF FINANCING**

a. In addition to the appropriations and expenditures previously authorized for the Board of Water Engineers by Chapter 385 (H. B. No. 133), Acts, 55th Texas Legislature, Regular Session, the Board is hereby authorized to expend out of the additional moneys hereinafter made available to the Board the sums specified below, or as much of them as may be necessary, for the objects and purposes shown:

The salary of each member of the Board of Water Engineers shall be \$15,000 per annum effective December 1, 1957; and for the purpose of paying that salary rate, the amounts specified in item 1 immediately following shall be in addition to the amounts previously appropriated for that purpose by Chapter 385 (H. B. 133), Acts, 55th Texas Legislature, Regular Session.

Item No.	Objects and Purposes	For the balance of the fiscal year ending Aug. 31, 1958	For the year ending Aug. 31, 1959
		1958	1959
1.	Board Members, 3, NTE \$15,000	\$ 11,250	\$ 15,000
	Planning Division:		
2.	Planning Engineer	11,250	15,000
3.	Engineers, 3, NTE \$12,500	25,000	37,500
4.	Engineers or Geologists, 3, NTE \$10,500	21,000	31,500
5.	Engineers or Geologists, 2, NTE \$8,400	11,200	16,800
6.	Engineering Aides, 2, NTE \$5,400	6,750	10,800
7.	Statisticians, 2, NTE \$5,400	6,750	10,800
8.	Secretaries, 2, NTE \$3,600	4,800	7,200
9.	Clerk-Typists, 2, NTE \$2,820	3,760	5,640
	Sub-total, salary items	\$101,760	\$150,240
10.	For travel expenses, the operation and maintenance of trucks, office and engineering supplies, equipment, utilities, bond premiums, postage, telephone and telegraph, printing, reference books, rents, and other contingent expenses, including the State's share of contributions required by law to the Employees Retirement System and Old Age & Survivors Insurance for employees hereinabove provided	28,240	20,000
11.	For topographic mapping either alone, by contractual relations, or by cooperative agreements with federal, state, or local legal entities, including salaries and wages	100,000	200,000
	Total, additional amounts authorized for expenditure by Board of Water Engineers	\$230,000	\$370,240

Expenditures from the amounts specified hereinabove shall be governed by the provisions of Chapter 385 (H. B. No. 133), Acts, 55th Legislature, Regular Session, to the extent that such provisions are not in conflict with this Act; provided, however, that moneys specified in this section may be transferred by the Board between items enumerated for the Planning Division with the advance, written approval of the Governor.

From any moneys previously appropriated to the Board of Water Engineers by said Chapter 385, the Board may transfer such amounts as it deems necessary or desirable to the Planning Division; provided, however, the total obligations or expenditures out of State funds for topographic mapping shall not exceed \$300,000 for the period beginning December 1, 1958 and ending August 31, 1959.

Any balances in the amounts specified hereinabove for the Planning Division and remaining as of August 31, 1958, shall be available to and may be expended by the Board of Water Engineers during the fiscal year beginning September 1, 1958, for such purposes within this Act as may be recommended by the Board and approved in advance by the Governor.

b. To finance the items of expenditure authorized by this section, the sum of \$500,000 which was appropriated to the Texas Prison System in that portion of Chapter 385 (H. B. 133), Acts 55th Texas Legislature, Regular Session, entitled "Texas Prison System—Contingency Appropriation," is hereby transferred to the Board of Water Engineers.

That portion of said Chapter 385 immediately preceding Item Number 33 in the appropriation to the Board of Water Engineers and reading "Watershed Planning—None of the money appropriated in items 33 through 39 below for Watershed Planning shall be expended until and unless the Constitutional Amendment proposed by H. J. R. No. 3 of the 55th Legislature is duly adopted by the voters of Texas" is hereby repealed; and the sums appropriated in items 33 through 39 of the appropriation for the Board in said Chapter 385, totaling \$100,240 for the biennium ending August 31, 1959, are hereby made available in a lump sum to the Board of Water Engineers for the purposes specified in this Act.

The amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend C. S. S. B. 1 by adding a new section to be known as Sec. 4A to read as follows:

"Section 4A. No person shall be appointed Planning Engineer who has not resided in the State of Texas for at least five years next preceding his appointment."

The amendment was adopted.

Senator Gonzalez offered the following amendment to the bill:

Amend C. S. S. B. 1 by adding an additional section to Section 4 to be known as Section 4C to read as follows:

"Nothing in this bill shall affect the prior and existing rights of any municipality."

The amendment was read.

(Senator Lock in the Chair.)

On motion of Senator Parkhouse the amendment was tabled.

(President in the Chair.)

Senator Hardeman offered the following amendment to the bill:

Amend C. S. for S. B. 1 by adding a new section to be known as Section 4B to read as follows:

"Section 4B. No person shall be appointed as engineer who is not a registered professional engineer under the laws of the State of Texas."

The amendment was adopted.

Senator Owen offered the following amendment to the bill:

Amend S. B. No. 1, Sec. 5, subsection (a) by changing the period at the end of the paragraph to a semicolon and by adding the following:

provided, however, any such action shall not abrogate, modify, implement, supplement, designate or in anywise affect rights in and to such water, or in anywise affect existing or vested rights of any kind or character.

The amendment was adopted.

On motion of Senator Parkhouse and by unanimous consent the caption

was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

**Committee Substitute Senate Bill 1 on Third Reading**

Senator Parkhouse moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that C. S. S. B. No. 1 be placed on its third reading and final passage.

The motion prevailed by the following vote:

**Yeas—28**

Aikin	Lock
Ashley	Martin
Bradshaw	Moffett
Colson	Owen
Fly	Parkhouse
Fuller	Phillips
Gonzalez	Ratliff
Hardeman	Reagan
Hazlewood	Roberts
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

**Absent—Excused**

Bracewell	Rogers
Moore	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Adjournment**

Senator Fly moved that the Senate stand adjourned until 10:30 o'clock a.m. on Monday, November 4, 1957.

Senator Martin moved that the Senate stand recessed until 2:30 o'clock p.m. today.

Question first on the motion to adjourn until 10:30 o'clock a.m. on Monday, November 4, 1957, yeas and nays were demanded.

The motion prevailed by the following vote:

**Yeas—16**

Ashley	Kazen
Bradshaw	Lane
Fly	Lock
Gonzalez	Parkhouse
Hardeman	Ratliff
Hazlewood	Reagan
Herring	Weinert
Hudson	Wood

**Nays—12**

Aikin	Owen
Colson	Phillips
Fuller	Roberts
Krueger	Secrest
Martin	Smith
Moffett	Willis

**Absent—Excused**

Bracewell	Rogers
Moore	

Accordingly, the Senate, at 12:18 o'clock p.m., adjourned until 10:30 o'clock a.m. on Monday, November 4, 1957.

In Memory of  
**Henry H. Mahaffey**

---

Senator Colson offered the following resolution:

(Senate Resolution 83)

Whereas, Montgomery County and the State of Texas lost a distinguished citizen in the passing of Henry H. Mahaffey on August 26, 1957; and

Whereas, Mr. Mahaffey was born in Fort Bend County on February 1, 1898 and moved to Conroe, Texas, when he was about fourteen years of age; and

Whereas, In his death, Texas witnessed the going of one whose footsteps marked service and progress on every path he chose to travel, whether in civic enterprises, in religious councils or in public office; and

Whereas, Mr. Mahaffey was a member of the First Presbyterian Church of Conroe and the Conroe Lions Club, and served on the Board of Trustees of the Conroe Independent School District from 1939 to 1951, a portion of which time he acted as President; and

Whereas, He was Tax Assessor of Montgomery County from 1929 to 1932, which office he filled with honor and distinction; and

Whereas, The fact that he was widely and lovingly known by all as "Happy" Mahaffey bespeaks his honesty, kindness and cheerfulness; and

Whereas, This outstanding leader filled all the years allotted him with devoted service to his State, his family and his friends; now, therefore, be it

Resolved, By the Senate of the 55th Legislature of the State of Texas, that we extend our sincere and heartfelt sympathy to his esteemed family and that we express appreciation for his valuable services by directing that a page in the Senate Journal be set aside as a memorial to him; and, be it further

Resolved, That official copies of this Resolution be sent to his wife, Mrs. Gladys Madeley Mahaffey of Conroe, Texas; his daughter, Mrs. James D. Padgett, Jr., his son, Albert F. Mahaffey, and his grandson, James D. Padgett, III, all of Dallas, Texas; his two sisters, Mrs. Helen York of Conroe, Texas, and Mrs. Mamie Ross of Liberty, Texas; and his brother, William F. Mahaffey of Port Arthur, Texas; and that when the Senate adjourns today, it do so in solemn tribute to the Honorable Henry H. Mahaffey, whose dedicated life and charitable deeds will live long in the memory of this State and his multitude of friends.

The resolution was read and was adopted by a rising vote of the Senate.

**In Memory of**

**Albert Artice Lilly**

---

Senator Willis offered the following resolution:

(Senate Resolution 87)

Whereas, On the 24th day of October in the Year of our Lord, Nineteen Hundred Fifty-seven, Almighty God, in His infinite wisdom, called to his heavenly rest, Mr. Albert Artice Lilly of Tarrant County, Texas; and

Whereas, Albert Artice Lilly was born in 1913 in Brookhaven, Mississippi, moved to Texas at an early age and was educated in the public schools of Fort Worth and graduated from Texas A. & M. College; and

Whereas, He answered the call of his country and served overseas during World War II, returned and gave freely of his time to his family, community, county and state; and

Whereas, He was a devoted husband and father, a friend to all who knew him, having worked all of his life for the betterment of his community, county and state; and

Whereas, He is survived by his wife, Mrs. Albert Artice Lilly; a daughter, Jo Marie; two sons, Albert Artice III, and Robert Charles Daggett Lilly; his mother, Mrs. Charles Daggett, and a sister, Mrs. Joe McCarthy, all of Fort Worth, Texas; now, therefore, be it

Resolved, That the Senate of Texas do hereby express its sincere sympathy to the family of Albert Artice Lilly; and that copies of this resolution be forwarded to them under the seal of the Senate of Texas; and, be it further

Resolved, That a page in the Senate Journal be set aside as a memorial to Albert Artice Lilly; and that when the Senate of Texas adjourns today it do so in his honor and memory.

The resolution was read and was adopted by a rising vote of the Senate.